

REMARKS/ARGUMENTS

In response to the Notice of Abandonment mailed on September 13, 2007, Applicant submits this Request for Continued Examination of the reissue application under 37 CFR 1.114 with the Petition to Revive the Reissue Application.

As background, a Final Office Action was issued on May 30, 2006, and Applicant submitted a response to the Final Office Action on August 29, 2006, which the Applicant believed placed the reissue application in condition for allowance. On November 20, 2006, Applicant's representative contacted the Examiner to confirm that the response filed on August 29, 2006 did in fact place in condition for allowance, and the Examiner confirmed that the application had been approved for allowance. The Examiner noted that the application had been returned to him, but that any unresolved issues could be addressed by an Examiner's amendment or otherwise another Office Action would be issued. On November 30, 2006, Applicant's representative had another conference with the Examiner concerning the status of the case, and Applicant's representative was assured that the application was allowed as of September 8, 2006, but that the Office would be sending another Office Action to clarify a matter that the Examiner did not identify.

Applicant's representative was contacted by the Examiner on May 10, 2007 in which the Examiner requested that Applicant enter an amendment to the claims of the application to place the condition for allowance, and Applicant entered an amendment on May 10, 2007. On September 5, 2007, Applicant received an Advisory Action stating that the response entered on August 29, 2006 did not place the application in condition for allowance. On September 13, 2007, a Notice of Abandonment was issued stating that the amendment filed on May 10, 2007


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was not entered since it was received after the expiration of the period for response to the final Office Action of May 30, 2006, and that the application was not in condition for allowance.

As a result, Applicant has included replacement claims with the present request for continued examination, as previously provided in the unentered response dated May 10, 2007, and asserts that the claims have with the proper markings as directed by 37 CFR 1.173(d). As a result, Applicant believes that this amendment places the application in condition for allowance.

Respectfully submitted,

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